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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-740

11 **CHARLES CLYDE DILLON**  
12 **1301 N. Chester Ave.**  
13 **Pasadena, CA 91104**  
14 **Registered Nurse License No. 380405**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

15  
16 **FINDINGS OF FACT**

17 1. On or about March 1, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her official  
18 capacity as the Executive Officer of the Board of Registered Nursing (Board), Department of  
19 Consumer Affairs, filed Accusation No. 2011-740 against Charles Clyde Dillon (Respondent)  
20 before the Board. (Accusation attached as Exhibit A.)

21 2. On or about October 31, 1984, the Board issued Registered Nurse License No.  
22 380405 to Respondent. The Registered Nurse License was in full force and effect at all times  
23 relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.

24 3. On or about March 1, 2011, Respondent was served by Certified and First Class Mail  
25 copies of the Accusation No. 2011-740, Statement to Respondent, Notice of Defense, Request for  
26 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
27 Respondent's address of record which, pursuant to California Code of Regulations, title 16,  
28 section 1409.1, is required to be reported and maintained with the Board, which was and is:

1301 N. Chester Ave.  
Pasadena, CA 91104.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about March 5, 2011, Respondent signed the Domestic Return Receipt attached to the certified mail, acknowledging receipt of the aforementioned documents. On or about March 14, 2011, the Board received the signed Domestic Return Receipt via U.S. Postal Service.

6. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2011-740.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2011-740, finds that the charges and allegations in Accusation No. 2011-740 are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement are \$685.00 as of April 11, 2011.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Charles Clyde Dillon has  
3 subjected his Registered Nurse License No. 380405 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
6 Nurse License based upon the following violations alleged in the Accusation which are supported  
7 by the evidence contained in the Default Decision Evidence Packet in this case:

8 a. Business and Professions Code sections 490 and 2761, in conjunction with California  
9 Code of Regulations, title 16, section 1444 – conviction of a crime substantially related to the  
10 qualifications, functions and duties of a registered nurse.

11 ORDER

12 IT IS SO ORDERED that Registered Nurse License No. 380405, heretofore issued to  
13 Respondent Charles Clyde Dillon, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
15 written motion requesting that the Decision be vacated and stating the grounds relied on within  
16 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
17 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

18 This Decision shall become effective on July 13, 2011.

19 It is so ORDERED June 13, 2011.

20  
21 Jeanine K. Brown  
22 FOR THE BOARD OF REGISTERED NURSING  
23 DEPARTMENT OF CONSUMER AFFAIRS

24  
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DOJ Matter ID:LA2010601493

26 Attachment:  
27 Exhibit A: Accusation  
28

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LINDA L. SUN  
Deputy Attorney General  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-740

11 **CHARLES CLYDE DILLON**  
12 **1301 N. Chester Ave.**  
13 **Pasadena, CA 91104**  
**Registered Nurse License No. 380405**

**ACCUSATION**

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

- 18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Registered Nursing (Board),  
20 Department of Consumer Affairs.
- 21 2. On or about October 31, 1984, the Board issued Registered Nurse License Number  
22 380405 to Charles Clyde Dillon (Respondent). The Registered Nurse License was in full force  
23 and effect at all times relevant to the charges brought herein and will expire on March 31, 2012,  
24 unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.

## STATUTORY PROVISIONS

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

...

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. California Code of Regulations, title 16, section 1444, states:

"A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

"(b) Failure to comply with any mandatory reporting requirements.

"(c) Theft, dishonesty, fraud, or deceit.

1       "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the  
2 Penal Code."

3       9.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
4 administrative law judge to direct a licensee found to have committed a violation or violations of  
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case.

7                                   **CAUSE FOR DISCIPLINE**

8                                   **(Substantially-Related Conviction)**

9       10.    Respondent is subject to disciplinary action under Code sections 490 and 2761,  
10 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that  
11 he was convicted of a crime substantially related to the qualifications, functions, and duties of a  
12 registered nurse. The circumstances are as follows:

- 13       a.    On or about September 1, 2010, in criminal proceeding entitled *People of the State of*  
14             *California vs. Charles Clyde Dillon*, in the Los Angeles Superior Court, Case Number  
15             BA370344, Respondent was convicted on a plea of guilty to one count of violating  
16             Penal Code section 311.11 (A) – possession of child pornography - a felony.  
17             Respondent was sentenced to one day in jail, placed on three-year formal probation, and  
18             ordered to register as a convicted sex offender, among other conditions. The  
19             circumstances surrounding the conviction are that on or about August 9, 2009,  
20             Respondent was arrested for possession of child pornography materials located on three  
21             hard drives, laptop and CD, with thirty-one (31) child pornography videos.

22                                   **PRAYER**

23       WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Board of Registered Nursing issue a decision:

- 25       1.    Revoking or suspending Registered Nurse License Number 380405, issued to Charles  
26 Clyde Dillon;

27       ///

28       ///

1           2.    Ordering Charles Clyde Dillon to pay the Board of Registered Nursing the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
3 Code section 125.3;

4           3.    Taking such other and further action as deemed necessary and proper.  
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6

7  
8 DATED: \_\_\_\_\_

3/1/11

*Louise R. Bailey*  
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LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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